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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

SVB FINANCIAL GROUP,  
  
Plaintiff,  
  
v.  
  
FEDERAL DEPOSIT INSURANCE  
CORPORATION, in its corporate  
capacity,  
  
Defendant.

Case No.: 5:24-cv-01321-BLF

**DECLARATION OF ROBERT A. SACKS  
IN SUPPORT OF PLAINTIFF SVB  
FINANCIAL GROUP'S  
ADMINISTRATIVE MOTION  
TO EXTEND BRIEFING SCHEDULE  
AND TO CONTINUE HEARING ON  
DEFENDANT FDIC-R'S MOTION TO  
DISMISS**

1 I, Robert A. Sacks, declare as follows:

2 1. I am admitted to practice law in the State of California and the United States District  
3 Court for the Northern District of California. I am a partner of the law firm of Sullivan & Cromwell  
4 LLP, and am lead counsel for Plaintiff SVB Financial Group (“SVBFG”) in this case. I submit  
5 this declaration in support of SVBFG’s Administrative Motion to Extend Briefing Schedule and  
6 to Continue Hearing on Defendant the Federal Deposit Insurance Corporation, as Receiver for  
7 Silicon Valley Bank (“FDIC-R1”) and Silicon Valley Bridge Bank, N.A. (“FDIC-R2”) (together  
8 with FDIC-R1, “FDIC-R”), motion to dismiss (Dkt. No. 33) (the “Motion to Dismiss”).

9 2. The September 5, 2024 hearing date on the Motion to Dismiss unfortunately  
10 conflicts with a pre-existing obligation.

11 3. On May 23, 2024 Counsel for FDIC-R confirmed via email that it does not oppose  
12 the relief requested in the Administrative Motion.

13 4. Attached hereto as Exhibit A is a true and correct copy of email correspondence  
14 with the Courtroom Deputy concerning the Court’s available hearing dates.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Dated: May 23, 2024

17 Los Angeles, California

/s/ Robert A. Sacks

Robert A. Sacks